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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,175

03/17/2006

Michael Stewart Butts

ICTS0101PUSA

3924

22045

7590

04/03/2008

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,175	Applicant(s) BUTTS ET AL.	
	Examiner BOBBAK SAFAIPOUR	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in response to Applicant's response filed on 1/7/08. **Claims 1-20** are still pending in the present application. **This action is made FINAL.**

Response to Arguments

In the present application, Applicant argues that the Goldberg patent is not relevant to the client's invention as it requires the mobile tracking device to be inserted into a reader and/or have a specific number dialed in order to relay information regarding the location and progress of the mobile device throughout the airport.

The Examiner respectfully disagrees. The Examiner notes that the recited claim language is given the broadest reasonable interpretation. Although the Applicant argues that the onus is on the passenger to obtain any updates themselves as opposed to being automatically provided with information, this is not disclosed in the claim language. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Furthermore, Applicant argues that the combined references of Goldberg and Hochstein fail to teach the mobile unit is adapted to listen and receive signals from the base stations and send a message to one of the base stations which is connected to the central controller once a new signal is heard and/or an old one is lost.

The Examiner respectfully disagrees. Goldberg discloses a passenger management system comprising at least one transceiver, disposed so as to be effective within a building, operable under the control of data received from a monitoring station to at least receive data transmitted by an electronic information device of a user (paragraph 5; read as adapted to listen

and receive signals from the base stations) or to transmit data to the electronic information device for output to the user; the electronic device being within the building (paragraph 5).

Furthermore, Goldberg discloses if the electronic device is in the form of a mobile telephone, the passenger can log their presence by dialing an appropriate telephone number which, in a preferred embodiment, causes an SMS text message to be transmitted from the mobile telephone to the server (figure 4; paragraph 49; read as send a message to at least one of the base stations which is communicated to the central control). The SMS text message contains passenger manifest data and flight information. The database management system uses the data contained within the SMS text message to update the check-in data base and passenger manifest database to show that the passenger has arrived in the airport (figure 4; paragraphs 48-51). At step 402 of figure 4, the passenger arrives at the check-in station 106 and undertakes a check-in procedure. The passenger then proceeds to passport/security check-in desk 108. One of ordinary skill in the art can reasonably interpret this as a new base station signal is heard or an old base signal is lost, as recited in the independent claims.

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goldberg (US 2003/0085808 A1)** in view of **Hochstein et al. (US 5,543,797)**.

Consider **claim 1**, Goldberg discloses a communications system for mobile units within a facility comprising a central controller (figure 1; paragraph 30; Central server 102), a plurality of wireless base stations (figure 1; paragraph 30; Remote stations 106, 108, 110, and 128), said base stations being distributed throughout the facility for wireless communication with said controller and said mobile units (figure 1; paragraphs 30-40), said controller configuring said base stations into a plurality of micro-cells each including at least two base stations such that at least one base

Art Unit: 2614

station in each micro-cell is a member of another micro-cell (figure 1; paragraphs 30-40), at least one base station is able to communicate with the central controller (figure 1; paragraphs 30-40) and all mobile units within a selected area of the facility are able to communicate with at least one base station (figure 1; paragraph 36; The location of the mobile communication device 101 is tracked using a number of location antennas 150 to 162); wherein each of said mobile units is adapted to listen and receive signals from the base stations (paragraph 5; read as receive data transmitted by an electronic information device of a user) and send a message to at least one of the base stations which is communicated to the central control (figure 4; paragraph 40; read as the passenger can log their presence by dialing an appropriate telephone number which, in a preferred embodiment, causes an SMS text message to be transmitted from the mobile telephone to the server) once a new base signal is heard or an old base signal is lost (figure 4; paragraphs 48-51; passenger arrives at check-in station 106 and then proceeds to passport/security check-in desk 108).

Goldberg fails to disclose a plurality of wireless base stations having an adjustable transmission power.

In related art, Hochstein et al. discloses a plurality of wireless base stations having an adjustable transmission power. (col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Hochstein et al. into the teachings of Goldberg to prevent power depletion.

Consider **claim 11**, Goldberg discloses a method of wireless communication between a central controller (figure 1; paragraph 30; Central server 102) and mobile units within a facility via a plurality of base stations (figure 1; paragraph 30; Remote stations 106, 108, 110, and 128)) distributed throughout the facility for wireless communication with said controller and said mobile units comprising configuring the base stations into a plurality of micro-cells each including at least two base stations (figure 1; paragraphs 30-40) such that at least one base station in each micro-cell is a member of another micro-cell (figure 1; paragraphs 30-40), at least one base station is able to communicate with the central controller (figure 1; paragraphs 30-40) and all mobile units within a selected area of the facility are able to communicate with at least one base station (figure 1; paragraph 36; The location of the mobile communication device 101 is tracked using a number of location antennas 150 to 162); wherein each of said mobile units is adapted to listen and receive signals from the base stations (paragraph 5; read as receive data transmitted by an electronic information device of a user) and send a message to at least one of the base stations which is communicated to the central control (figure 4; paragraph 40; read as the passenger can log their presence by dialing an appropriate telephone number which, in a preferred embodiment, causes an SMS text message to be transmitted from the mobile telephone to the server) once a new base signal is heard or an old base signal is lost (figure 4; paragraphs 48-51; passenger arrives at check-in station 106 and then proceeds to passport/security check-in desk 108).

Goldberg fails to disclose a plurality of wireless base stations having an adjustable transmission power.

In related art, Hochstein et al. discloses a plurality of wireless base stations having an adjustable transmission power. (col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Hochstein et al. into the teachings of Goldberg to prevent power depletion.

Considers **claims 2 and 12**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each micro-cell includes at least two base stations that are members of other micro-cells. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 3 and 13**, and **as applied to claims 2 and 12, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each micro-cell includes from three to six base stations. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 4 and 14**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base stations periodically transmit a message including a unique identification code. (Goldberg: paragraphs 11, 15-19)

Considers **claims 5 and 15**, and **as applied to claims 4 and 14, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein said message includes a measure of the transmitting power of the base station. (Hochstein et al.: col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Considers **claims 6 and 16**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each base station maintains a list of signals received from other base stations. (Goldberg: paragraph 36)

Considers **claims 7 and 17**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base station transmission power is adjusted to provide minimal overlap of base stations between micro-cells. (Hochstein et al.: col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Considers **claims 8 and 18**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base stations each have a known location and the micro-cells have a relatively small area compared to selected area of the facility. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 9 and 19**, and **as applied to claims 1 and 11, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system for locating and messaging to a mobile units in a facility. (Goldberg: abstract)

Considers **claims 10 and 20**, and **as applied to claims 9 and 19, respectively, above**, Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the mobile units include a transceiver for receiving and sending signals, a display device for displaying messages, a power source and at least one user interface for accepting an input. (Goldberg: figure 2; paragraphs 41-43)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipoor

B.S./bs

March 29, 2008

/Lana N. Le/

Acting SPE of Art Unit 2618